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Security Council Committee established pursuant to resolution 1718 (2006)

Note verbale dated 29 October 2013 from the Permanent Mission of China to the United Nations addressed to the Committee

The Permanent Mission of the People's Republic of China to the United Nations presents its compliments to the Security Council Committee established pursuant to resolution 1718 (2006) and has the honour to enclose herewith the report of China on the implementation of Security Council resolution 2094 (2013) (see annex).

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Annex to the note verbale dated 29 October 2013 from the Permanent Mission of China to the United Nations addressed to the Committee

[Original: Chinese]

Report of China on the implementation of Security Council resolution 2094 (2013)

1. China supports the adoption of resolution 2094 (2013) by the Security Council. That resolution clearly expressed the firm opposition of the international community to nuclear testing and the possession of nuclear weapons by the Democratic People's Republic of Korea, while remaining committed to resolving the situation on the Korean Peninsula through peaceful dialogue and negotiation, and reaffirming support for the Six-Party Talks and urging their resumption.

2. As a permanent member of the Security Council, China has always rigorously implemented the resolutions of that body, and has developed a set of effective operational mechanisms and practices in that regard. Following the adoption of resolution 2094 (2013), the Ministry of Foreign Affairs, with the authorization of the State Council of the People's Republic of China, issued a circular requiring its implementation by all State ministries and commissions, as well as in all Chinese provinces, autonomous regions, municipalities directly under the Central Government, and the Hong Kong and Macao Special Administrative Regions (SARs).

3. Measures taken with regard to implementation of Security Council resolution 2094 (2013):

(a) China has established a comprehensive system of laws and regulations governing the export of items related to nuclear, biological, chemical and guided-missile programmes as well as all military items. The regulatory scope of current Chinese export-control legislation is substantially the same as that of established international practice. China will continue to implement Security Council resolutions 1718 (2006), 1874 (2009), 2087 (2013) and 2094 (2013), as well as the list of items and technologies embargoed for export to the Democratic People's Republic of Korea, as determined by the Security Council Committee established pursuant to resolution 1718 (2006), on this basis;

(b) China has always taken a prudent and responsible attitude towards the export of military products, and manages them strictly. Under the provisions of the resolution, China will refrain from exporting to the Democratic People's Republic of Korea all arms and related materiel except for small arms and light weapons and their related materiel, as well as from financial transactions, technical training, advice, services or assistance, including that of intermediaries or other intermediary services, related to the provision, manufacture, maintenance or use of such arms to the Democratic People's Republic of Korea;

(c) China will ensure the freezing of funds, other financial assets and economic resources on its territories, that are owned or controlled, directly or indirectly, by the persons or entities designated under resolutions 2087 (2013) and 2094 (2013) and by the Committee as being engaged in or providing support for, including through other illicit means, the nuclear-related, other weapons of mass

destruction-related and ballistic missile-related programmes of the Democratic People's Republic of Korea, or by persons or entities acting on their behalf or at their direction, or entities owned or controlled by them, including those owned or controlled by illicit means, and will ensure that any funds, financial assets or economic resources are prevented from being made available by their nationals or by any persons or entities within their territories, to or for the benefit of such persons or entities. The competent Chinese authorities will also include such persons on the list of persons to be denied entry into China in order to prevent their entry into or transit through its national territory;

(d) The competent Chinese authorities have reminded and requested all financial institutions to intensify the screening of their business contacts with the Democratic People's Republic of Korea to prevent the provision of financial services or the transfer to, through, or from Chinese territory, or to or by its nationals or entities organized under its laws, or persons or financial institutions in its territory, of any financial or other assets or resources that could contribute to the nuclear-related, ballistic missile-related, or other weapons of mass destruction-related programmes or activities of the Democratic People's Republic of Korea, including by freezing any financial or other assets or resources on its territory or that hereafter come within its territory, or that are subject to its jurisdiction or that hereafter become subject to its jurisdiction, that are associated with such programmes or activities and applying enhanced monitoring to prevent all such transactions in accordance with their national authorities and legislation;

(e) The opening of branches in China by banks from the Democratic People's Republic of Korea, and the opening of representative offices in the Democratic People's Republic of Korea by financial institutions based on Chinese territory or under Chinese jurisdiction, as well as the provision of financial support or foreign-currency cash in large amounts for trade with the Democratic People's Republic of Korea, shall be handled by the competent Chinese authorities in accordance with the relevant requirements of resolution 2094 (2013), in order to prevent financial services of these kinds being used for the nuclear-related, ballistic missile-related, or other weapons of mass destruction-related programmes or activities of the Democratic People's Republic of Korea;

(f) The inspection of freight and shipping and restrictions on aviation activities shall be handled by the competent Chinese authorities in accordance with the relevant requirements of resolutions 1874 (2013) and 2094 (2013).

4. Based on the principle of "one country, two systems", the Central Government of China is responsible for managing the defence and foreign affairs of the Hong Kong and Macao SARs; the Hong Kong and Macao SARs enjoy executive, legislative and independent judicial power, including that of final adjudication. For this reason, the Hong Kong and Macao SARs shall, upon notification by the Central Government, formulate their own laws and regulations so as fully to implement resolution 2094 (2013) and the relevant decisions of the Committee.

5. China is of the view that all countries have the duty accurately and conscientiously to implement resolution 2094 (2013) and the relevant decisions of the Committee; at the same time, they should avoid arbitrary interpretations or expanding the scope of sanctions. The implementation of the resolution should not influence the people's livelihood and development of the Democratic People's Republic of Korea or its normal external contacts, nor should it create adverse

humanitarian results for its people, or adversely impact the normal relations of other countries with the Democratic People's Republic of Korea or the normal operations of the foreign diplomatic corps in that country.

6. China holds that sanctions are not the goal of Security Council actions, nor can they provide a fundamental solution to the problems of the Korean Peninsula. The parties concerned should remain calm and exercise restraint, promote the relaxation of tensions and the resumption of the Six-Party Talks, and work tirelessly to bring about the de-nuclearization of the Korean Peninsula and preserve the lasting peace and stability of the Korean Peninsula and north-east Asia. China is willing to continue coordinating and cooperating with all parties concerned in this regard, and to playing a constructive role in the process.